

May 3, 2006



Dear Members of the House Judiciary Committee:

Please accept this written testimony on behalf of the American Cancer Society, Great Lakes Division (ACS).

HB 5396 does little to prevent youth from smoking. There is evidence that shows that the most effective way to reduce youth smoking rates (and adult rates) is to create smokefree workplaces, including restaurants and public places. Please review the attached fact sheet for detailed information.

There are a number of flaws that ACS has identified in HB 5396 but none larger than the fact that it does nothing to establish smokefree indoor environments. Please tie HB 5396 to HB 4624 and HB 4625, bills to make Michigan workplaces and food service establishments smokefree.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy Stewart".

Judy Stewart  
Government Relations Manager



## SMOKEFREE AIR AND YOUTH

June 2004

**"Regulations restricting smoking in public places appear to have a considerable impact on teenage smoking behavior. In contrast to adults, regulations affect the teenager's decision to become a smoker rather than the number of cigarettes smoked. ..."**

**Wasserman, J., "The effects of excise taxes and regulations on cigarette smoking," *Journal of Health Economics* 10:43-64 (1991)**

Young people are often at the heart of tobacco control discussions. "Save our kids from addiction" is a familiar refrain whenever tobacco is the topic. When President Clinton announced his support for "comprehensive" tobacco control legislation, he justified it by highlighting the need to reduce smoking among teens. Many legislators support a hike in cigarette taxes primarily because they believe that steeper prices will deter minors from purchasing cigarettes. There are even some people in the public health community who have been willing to hand the tobacco industry special legal protections in exchange for a package of programs that they believe will reduce tobacco consumption by minors. For the past decade, at every level of government, restrictions on youth access to tobacco have been at the forefront of efforts to reduce tobacco use.

The focus on kids has undeniable emotional appeal. It is particularly understandable from a prevention standpoint. Most smokers begin smoking as teens, and many young people become addicted to cigarettes long before they are even old enough to purchase them legally. The tobacco industry relentlessly aims its cigarette advertising at kids -- and it pays off. A recent study estimated that 3.76 million daily smokers, age 12 through 17, consume 924 million packs of cigarettes per year, generating \$480 million in tobacco company profits.<sup>1</sup>

The tobacco control movement, however, has experienced an odd paradox. Despite its focus on youth, smoking rates among young people, although lower over the past five years, are still slightly higher than they were a decade ago.<sup>2</sup> We now know that reducing illegal sales to minors through such measures as higher merchant compliance with age-of-sale laws does not automatically result in lower tobacco consumption on the part of teens, because they often obtain tobacco products by means other than direct purchase. As one study found, even when enforcement of local tobacco sales laws has improved retailer compliance and reduced sales of cigarettes to minors, young people did not report that it was any harder to obtain tobacco, nor was there any change in their smoking behavior. The authors concluded that their "findings suggest caution with regard to the escalating efforts to reduce access to tobacco by young people."<sup>3</sup> Neither does criminalizing tobacco use and possession by minors deter them from smoking. This merely shifts the blame for youth smoking from the tobacco industry, where it belongs, to minors, who are the industry's victims. The tobacco industry does not fight

<sup>1</sup> DiFranza, J.R.; Librett, J.J., "State and federal revenues from tobacco consumed by minors," *American Journal of Public Health* 89(7): 1106-1108, July 1999.

<sup>2</sup> Centers for Disease Control (CDC), "Youth risk behavior surveillance: United States, 2001," *Morbidity and Mortality Weekly Report Surveillance Summaries* 51(SS-4): 1-62, June 28, 2002.

<sup>3</sup> Rigotti, N. [et al.], "The effect of enforcing tobacco-sales laws on adolescents' access to tobacco and smoking behavior," *New England Journal of Medicine*, 337: 1044-1051, 1997.

legislation to criminalize youth smoking, because it knows that such efforts serve only to divert attention from the industry's relentless pursuit of profits at any price.

A major reason for the recent failure to reduce smoking rates among youth, even as adult smoking rates are falling, is that the efforts to call attention to the problems of teen smoking have had the unintended effect of buttressing tobacco advertising, which is intended to appeal to youth by portraying smoking as a sophisticated adult activity. The tobacco companies, knowing that adolescence is a critical time of identity-formation, inundate kids with advertising images designed to appeal to their quest for adulthood. Thus, the more we repeat the mantra that "the problem with smoking is the age of the smoker" the more we promote smoking as an acceptable adult activity and a vehicle of rebellion or precocious maturity.

It has been noted that when the tobacco control movement puts too much emphasis on youth access issues, it not only sends the wrong message about smoking, but it also squanders time and resources that could be better used in promoting more effective anti-tobacco programs.<sup>4</sup> *The most effective program to reduce tobacco consumption at all age levels is the creation of smokefree workplaces, restaurants, and public places.* If we really want to accomplish the goal of reducing youth consumption, we need to put youth access in the background and place smokefree air squarely in the foreground. When we work to protect the rights of nonsmokers, all people -- children and adults alike -- are given the message that smoking is simply not socially acceptable. Working to promote nonsmoking as the norm, community by community, is the most effective means to reduce smoking by youth.

There are several reasons why putting the emphasis on smokefree air works as a youth prevention strategy:

- When youth are not singled out for special treatment, they have less to rebel against. Tobacco is not dangled in front of them as a forbidden fruit.
- Effective smokefree air policies result in fewer adults modeling smoking behavior.
- Smokefree air policies focus attention where it needs to be focused -- on issues of smokers' health and nonsmokers' rights, not on the issue of age.

This has been borne out by several studies. A 1991 study reported that policies restricting smoking in public places have a strong impact on teenage smoking behavior. In fact, the authors concluded, smokefree air regulations have their strongest impact on teenagers, "who may be even more sensitive to how others view their behavior than adults."<sup>5</sup> A report by the United States Surgeon General in 1994 states that policies in schools, workplaces, and communities that restrict smoking are effective in discouraging youth from trying tobacco.<sup>6</sup> More recently, a 1998 study reached the same conclusion that smokefree air policies reduce smoking among young people.<sup>7</sup>

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<sup>4</sup> Glantz, S.A., "Preventing tobacco use: the youth access trap," *American Journal of Public Health* 86(2): 156-57, February 1996.

<sup>5</sup> Wasserman, J. [et al.], "The effects of excise taxes and regulations on cigarette smoking," *Journal of Health Economics*, 10: 43-64, 1991.

<sup>6</sup> DHHS. *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*. Public Health Service, Centers for Disease Control and Prevention, 1994.

<sup>7</sup> Ohsfeldt, R.; Boyle, R.G.; & Capilouto, E.I., "Tobacco taxes, smoking restrictions, and tobacco use. NBER Working Paper No. 6486," Cambridge: National Bureau of Economic Research, March 1998.

Passing effective smokefree air laws is not only a sound strategy for *preventing* youth smoking, but is also a means of *protecting* youth from the hazards of secondhand smoke. Because children have a smaller lung capacity, these hazards are often greater for them than they are for adults. Furthermore, smokefree air laws are needed to ensure that young workers are protected from secondhand smoke. According to the National Cancer Institute, teenage workers age 15-19 are the least likely to be protected by voluntary smokefree workplace policies, because they are heavily concentrated in the food service industry where there are generally fewer protections than exist for office workers.<sup>8</sup>

Perhaps the strongest indication that smokefree air laws are important to the health of young people is the conclusion reached by the California Department of Health Services in 2001 that increased workplace smoking restrictions may have contributed to a reduction in smoking indoors at home as well. "While home smoking restrictions play a vital role in protecting nonsmokers, *particularly children*, from secondhand smoke, there is considerable evidence that they have a much wider effect. Smokefree homes may decrease cigarette consumption, promote quitting, and help prevent relapse in former smokers. In addition, recent data also suggest that smokefree homes are associated with *lower smoking initiation rates in adolescents*, even in homes where parents smoke." [Emphasis added]<sup>9</sup> Clearly, youth have a great deal to gain from smokefree air laws that protect all people.

All of this does not mean that youth access cannot be an important issue. There are numerous ways to reduce youth access that do not rely on making age an issue. For example, raising excise taxes for everyone makes it more difficult for minors as well as adults to purchase tobacco. Similarly, prohibiting vending machines and self-service displays is a useful and effective strategy. Policies that rely on creating an absence of something once present can be instituted without ongoing attention to the issue of age. Nevertheless, even such sound measures are considerably less effective in reducing teen smoking than the one proven strategy: enacting strong smokefree air laws.

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<sup>8</sup> Gerlach, K. [et al.], "Workplace smoking policies in the U.S.: Results from a national survey of over 100,000 workers," *Tobacco Control*, 6: 199-206, 1997.

<sup>9</sup> Gilpin, E.A.; Emery, S.L.; Farkas, A.J.; Distefan, J.M.; White, M.M.; Pierce, J.P., "The California Tobacco Control Program: a decade of progress, results from the California Tobacco Survey, 1990-1999 — final report," *Sacramento: California Department of Health Services, Tobacco Control Section (TCS) La Jolla: University of California, San Diego*, December 26, 2001.

